

PROVIDING FOR THE APPOINTMENT OF A DEPUTY  
DISBURSING OFFICER AND ASSISTANT DISBURSING  
OFFICERS FOR THE DISTRICT OF COLUMBIA

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MARCH 7 (legislative day JANUARY 29), 1951.—Ordered to be printed

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Mr. HUNT, from the Committee on the District of Columbia,  
submitted the following

REPORT

[To accompany S. 494]

The Committee on the District of Columbia, to whom was referred the bill (S. 494) to provide for the appointment of a deputy disbursing officer and assistant disbursing officers for the District of Columbia, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The increased volume of work in the Office of the Disbursing Officer, District of Columbia, has made it necessary to delegate some of the work to subordinates. The bill proposes that these additional disbursing officers shall be bonded and discharge the general duties incumbent upon such an officer.

The letter of March 31, 1949, from the Commissioners of the District of Columbia, setting forth in greater detail the purpose of the bill, is made a part of the report. The bill was unanimously reported by the full committee.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA,  
*Washington 4, D. C., March 31, 1949.*

Hon. J. HOWARD McGRATH,  
*Chairman, Committee on the District of Columbia,  
United States Senate, Washington, D. C.*

MY DEAR SENATOR McGRATH: The Commissioners of the District of Columbia have the honor to submit to you herewith a draft of a proposed bill to provide for the appointment of a deputy disbursing officer and assistant disbursing officers for the District of Columbia, and for other purposes.

Under existing law, there is provision for the appointment by the Commissioners, District of Columbia, of one deputy disbursing officer for the District of Columbia, but there is no provision for the appointment of any assistant disbursing officers. The deputy disbursing officer may act, however, only in the absence of the Disbursing Officer, District of Columbia, and should the Disbursing Officer be present, it is necessary that he perform all the transactions of his office in his proper person,

since, under existing law, no provision is made for a deputy or for assistant to whom the Disbursing Officer, District of Columbia, may delegate authority to transact any of the duties pertaining to his office at times other than in his absence.

At the present time, therefore, there is statutory authority for one person, and one person only to exercise the duties of the office of Disbursing Officer, District of Columbia. This one person may be either the Disbursing Officer himself, or, in his absence, his deputy. When the Disbursing Officer is capable of transacting the duties of his office, he may not, under existing law, utilize the services of the deputy to assist him in transacting such duties.

The foregoing situation has been relieved since June 27, 1931, by the action of the Treasury Department in permitting the appointment of two assistant disbursing officers under the authority of Treasury regulations. In permitting such appointments, the Treasury apparently initially took the position that since there was no statutory authority for the appointment of such assistants, Treasury Department Circular No. 423, issued June 2, 1930, was applicable. This circular provided for the payment by the Treasurer of the United States of disbursing officers' checks drawn on the Treasurer and signed in the names of disbursing officers by employees designated and authorized in accordance with the regulations established by Department Circular No. 423. The regulations, however, were applicable only "in cases not covered by specific provisions of law."

The Treasury Department recently has had occasion to reexamine its position in this matter, and has informed the government of the District of Columbia that in view of the existing statutory provision for the appointment of one Deputy Disbursing Officer to act in the absence of the Disbursing Officer, District of Columbia, Department Circular No. 423 is not applicable, and may not be considered as authorizing the appointment of assistants to the Disbursing Officer, District of Columbia. Where, as is presently the case with the government of the District of Columbia, there is statutory provision made for the appointment of only one assistant to the Disbursing Officer, District of Columbia, it is now the position of the Treasury Department that its regulations cannot expand such statutory provision so as to permit the appointment of additional assistants.

The Treasury Department, however, in view of the length of time the present arrangement has been in existence, has informally agreed to continue its recognition of the appointment of the two assistant disbursing officers currently serving the government of the District of Columbia in that capacity, until such time as the Congress has found it possible to act upon legislation authorizing the appointment by the Commissioners of the District of Columbia of assistants to the Disbursing Officer, District of Columbia.

Under the proposed bill, the Commissioners of the District of Columbia would be granted authority to appoint one Deputy Disbursing Officer and such assistant disbursing officers of the District of Columbia as the Commissioners may, in their discretion and subject to available appropriations, consider necessary. Although the Commissioners would be limited to the appointment of one deputy, the bill provides no limit on the number of assistants, since the measure is designed to be permanent in its nature, and to provide flexibility for future needs. The bill does make the number of such assistants "subject to available appropriations," so that if, in the future, there should be a need for an increase in the number of assistant disbursing officers for the District of Columbia, such need could be met by a provision in an appropriation act.

The bill also provides that the deputy and each of the assistants shall have authority to make disbursements as an agent of the Disbursing Officer, District of Columbia; to sign checks drawn against disbursing accounts of the Disbursing Officer, District of Columbia, with the Treasurer of the United States, and to discharge all the other duties of the Disbursing Officer, District of Columbia. The deputy and each of the assistants are made subject to the same liabilities and penalties prescribed by law in like cases for the Disbursing Officer, District of Columbia, and the deputy and the assistants must each give bond as required by the Commissioners, District of Columbia, but to be in an amount of not less than \$25,000, for the benefit of the United States, the District of Columbia, the Commissioners of the District of Columbia, and the Disbursing Officer, District of Columbia. This bond is to be subject to the approval of both the Commissioners, District of Columbia, and the Secretary of the Treasury, and is to be filed in the office of the Secretary of the Treasury.

Finally, the bill provides for the repeal of the provision contained in the act approved June 6, 1900 (31 Stat. 555), which provided for the appointment of a deputy disbursing officer to transact all duties pertaining to the Disbursing Officer, in the absence of the latter. As has been set forth above, this provision is no

longer applicable to the present situation, and its repeal will clear the way for the appointment of a deputy disbursing officer and assistant disbursing officers who will be authorized to act as agents of the Disbursing Officer, District of Columbia.

The proposed bill will not add to the expenses of the District of Columbia. The government of the District of Columbia currently is employing one deputy disbursing officer and two assistant disbursing officers, with the assistants having been appointed under the authority of Treasury Department Circular No. 423. The bill would simply substitute statutory authority for the appointment of the assistants to replace the authority previously considered applicable by the Treasury Department, but now no longer considered to be so.

The Commissioners recommend early enactment of the legislation in order to meet the objections raised by the Treasury Department, and in order to forestall any action by the Treasury Department preventing the present assistant disbursing officers from transacting such duties as the Disbursing Officer, District of Columbia, may have delegated to them. Should the Treasury Department, in the absence of statutory authority for the appointment of assistant disbursing officers, District of Columbia, discontinue its recognition of their appointment under the provisions of Department Circular No. 423, the District of Columbia would be greatly hampered in the performance of its municipal functions.

The proposed draft of bill was submitted to the Bureau of the Budget and returned to the Commissioners with the advice that there is no objection on the part of that office to the presentation of the bill to Congress.

Respectfully,

JOHN RUSSELL YOUNG,  
*President, Board of Commissioners, District of Columbia.*

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

(31 STAT. 555) JUNE 6, 1900

FOR AUDITOR'S OFFICE: For auditor, three thousand six hundred dollars; chief clerk, one thousand nine hundred dollars; bookkeeper, one thousand eight hundred dollars; clerk, one thousand six hundred dollars; disbursing officer, two thousand five hundred dollars; [deputy disbursing officer, who shall hereafter, in the absence of the disbursing officer, be authorized to transact all duties pertaining to said disbursing officer, and who shall be required to give bond to the said disbursing officer in the sum of twenty-five thousand dollars, conditioned on the faithful performance of the duties of his office, but said disbursing officer to be responsible to the United States, District of Columbia, and the people whom he pays, as now required by law, one thousand five hundred dollars;] three clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; clerk, one thousand dollars; messenger, six hundred dollars; in all, twenty-one thousand one hundred dollars.



